

AN ACT

relating to inquest summary reports and the preservation of evidence collected in the course of an inquest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 49.17, Code of Criminal Procedure, is amended to read as follows:

Art. 49.17. EVIDENCE. A justice of the peace shall preserve all tangible evidence that the justice accumulates in the course of an inquest that tends to show the real cause of death or identify the person who caused the death. The justice shall[+]

~~[(1)]~~ deposit the evidence with the appropriate law enforcement agency to be stored in the agency's property room for safekeeping[+or

~~[(2) deliver the evidence to the district clerk for safekeeping subject to the order of the court].~~

SECTION 2. Article 49.15(d), Code of Criminal Procedure, is repealed.

SECTION 3. The certified copy of an inquest summary report received and maintained by a district court clerk under Article 49.15(d), Code of Criminal Procedure, as it existed immediately before the effective date of this Act, may be destroyed by the clerk in accordance with the district court's records retention schedule.

SECTION 4. As soon as practicable after the effective date of this Act, each district clerk in possession of evidence

1 delivered to the clerk for safekeeping under Article 49.17, Code of
2 Criminal Procedure, as that article existed immediately before the
3 effective date of this Act, shall transfer the evidence to the
4 appropriate law enforcement agency for safekeeping as provided by
5 Article 49.17, Code of Criminal Procedure, as amended by this Act.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 300 was passed by the House on May 2, 2019, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 300 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor